

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
DIVISION  
No. 5:22-CV-276-D-BM

NORTH CAROLINA GREEN PARTY, )  
ANTHONY NDEGE, MICHAEL )  
TRUDEAU, MATTHEW HOH, )  
SAMANTHA WORRELL, SAMANTHA )  
SPENCE, K. RYAN PARKER AND )  
AARON MOHAMMED, )

Plaintiffs, )

v. )

NORTH CAROLINA STATE BOARD OF )  
ELECTIONS and DAMON CIRCOSTA, )  
STELLA ANDERSON, JEFF CARMON, )  
STACY EGGERS IV, TOMMY TUCKER, )  
and KAREN BRINSON BELL, in their )  
official capacities as members or employees )  
of the North Carolina State Board of )  
Elections, )

Defendants. )

**DECLARATION OF BRIAN IRVING**  
**IN SUPPORT OF PLAINTIFFS'**  
**EMERGENCY MOTION FOR**  
**PRELIMINARY INJUNCTION**

1. I, Brian Irving, hereby declare under oath and subject to the penalty of perjury that the following is true and correct to the best of my knowledge.

2. I am a registered voter in the State of North Carolina.

3. I am currently Executive Director of the Libertarian Party of North Carolina ("LPNC").

4. I joined LPNC in 1993, to the best of my recollection. I have served on the Executive Committee of LPNC on and off since 1994. Between 2015 and 2018, I served as Vice-Chair of LPNC, and then as Chair of the party. I was LPNC Chair for approximately one year.

5. LPNC has been a ballot-qualified party in North Carolina continuously since 1976, except for the 1988 general election cycle.

6. LPNC's last petition drive was in 2006. LPNC has been able to retain ballot qualification under North Carolina law since then.

7. From 1976 to 2006, LPNC successfully completed nine petition drives to qualify for North Carolina's ballot.

8. I was directly involved in LPNC's 2002 and 2006 petition drives. I collected signatures on petitions, delivered petitions to county boards of elections, picked petitions up from county boards of elections and delivered petitions to the State Board of Elections on behalf of LPNC.

9. During the LPNC's 2002 and 2006 petition drives, we submitted more signatures than the requirement under state law, because we knew that county boards of elections typically find that a substantial number of signatures are not valid for various reasons – because the signer is not a registered voter, for example, or because the signer was not a resident of the county listed on the petition. There are many technical reasons like that why signatures are not validated. To account for this, LPNC tried to submit at least 25 percent more signatures than the legal requirement.

10. Under the legal requirement that applied in 2002 and 2006, LPNC needed to submit more than 100,000 signatures to ensure the petition drives would be successful.

11. The majority of the petition signatures that LPNC submitted in 2002 and 2006 were collected by volunteers, but we also hired paid petition circulators. These are folks who travel around the country, going from state to state working on different petition drives. Some were Libertarians but some were not. We paid them approximately \$1.50 per signature.

12. When we petitioned, other LPNC petitioners and I requested signatures from any registered voter in North Carolina – Democrats, Republicans, Independents and others. We did not attempt to convert potential petition signers to Libertarianism or even to discuss our political views. Instead, we identified ourselves as petitioners for LPNC and asked potential signers to support our efforts to become a ballot-qualified party.

13. Sometimes we had to explain to petition signers that signing the petition did not make them members of LPNC, but only indicated that they supported our right to be on the ballot.

14. To the best of my recollection, the State Board of Elections certified LPNC's petitions within approximately two weeks in both 2002 and 2006. It certainly did not take a month or anywhere close to that. During that time, to the best of my knowledge, the State Board of Elections did not contact LPNC or any of our petition circulators or petition signers in an effort to confirm the validity of any signatures on our petitions. My understanding is that the State Board of Elections just checked the cover sheets that county boards of elections placed on our petitions after validating them, verified the totals, and certified the petitions.

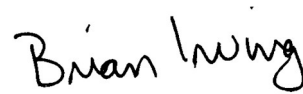
15. My belief, based on my experience in working on LPNC petition drives and submitting LPNC petitions to the State Board of Elections, is that the State Board of Elections' role in the process has always been just to process the paperwork, and that county boards of elections have been responsible for validating signatures on the petitions.

16. My belief, based on my experience as a petition circulator, party officer and activist, is that the State Board of Elections never attempted to conduct its own investigation to confirm the validity of signatures on LPNC petitions that county boards of elections had verified. Although I was not directly involved in the LPNC petition drives prior to 2002, I have never heard any suggestion that the State Board of Elections undertook such an investigation in the past.

17. I am concerned that the State Board of Elections voted not to certify the North Carolina Green Party's petitions at its June 30, 2022 meeting, even though the petitions had more than 2,000 more signatures validated by county boards of elections than the requirement under North Carolina law. It worries me that the same thing could happen to LPNC next time we need to submit petitions to qualify for North Carolina's ballot.

18. I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct.

Executed: July 19, 2022

A handwritten signature in black ink that reads "Brian Irving". The signature is written in a cursive, slightly slanted style.

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Brian Irving  
Executive Director  
Libertarian Party of North Carolina